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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,842	01/12/2001	Selim Shlomo Rakib	TER-002.3P D5	3183
7590	08/23/2004		EXAMINER	
Ronald Craig Fish Falk, Vestal & Fish 16590 Oak View Circle Morgan Hill, CA 95037			TON, ANTHONY T	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 08/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/759,842	RAKIB ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Anthony T Ton	2661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 January 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-83 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) \_\_\_\_\_ is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) 1-83 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) *✓*  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

DETAILED ACTION

*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. **Claims 1-17**, drawn to an apparatus, a process, and a system of central and remote unit transceivers and transmission media for master clock and master carrier signals classified in **class 370, subclass 516**.
  - II. **Claims 18 and 19**, drawn to a process and an apparatus of central and remote unit modems in synchronous code division multiplexing classified in **class 370, subclass 318**.
  - III. **Claims 20-27, 29-41, 57, 59, 64-69, 72 and 73**, drawn to a process and an apparatus of central and remote unit modems in synchronous code division multiplexing classified in **class 370, subclass 512**.
  - IV. **Claims 28, 42-54, 56, 60-63, 70, 71 and 74-83**, bi-directional digital communication system, drawn to an information management method for cell search in a handover-source base station classified in **class 370, subclass 442**.
  - V. **Claims 55 and 58**, drawn to an information management method for cell search in a handover-source base station classified in **class 370, subclass 445**.
2. The inventions are distinct, each from the other because the following reasons:  
Inventions **I, II, III, IV and V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention in **Group I** discloses an apparatus, a system and a method relating to phase adjusted carrier signal; in **Group II**, a process for fine tuning the

amount of power relating to power control and gain of variable gain amplifier using amplitude correction factor in CDMA codes; a digital data communication apparatus in **Group III**, which discloses frame synchronization relating to synchronization information within a frame; in **Group IV**, a bidirectional digital data communication system is disclosed, which is relating to TDMA data stream; and in **group V**, a process with access control in a CDMA digital data communication system relating to contention network access. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for **Group I** is not required for **Groups II, III, IV or V**, and vice versa, each group is distinct to each other; therefore, restriction for examination purposed as indicated is proper.

3. If the Applicant(s) elect(s) Group I above, for example, the Applicant(s) would say, "I elect group I, which is drawn to **claims 1-17**". On the other hand, if the Applicant(s) elect(s) Group II above, for example, the Applicant(s) would say, "I elect group II, which is drawn to **Claims 18 and 19**", or etc...

#### **Examiner Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony T Ton whose telephone number is 703-305-8956. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

Art Unit: 2661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ATT  
08/18/04

*Phirim Sam*